

Did you know . . .

- ▶ The legal drinking age in Massachusetts and every other state is 21. It is against the law to serve or provide alcohol to underage guests or to allow them to drink alcohol in your home or on other property you control. If you do, you may be prosecuted criminally. The penalty is a fine up to \$2,000, imprisonment for up to a year, or both. G.L. c.138, sec. 34.
- ▶ You may also be sued civilly. If you are sued civilly, a jury may decide whether you are liable and how much you will have to pay for injuries caused by your guests.
- ▶ You could be prosecuted criminally or sued civilly if you knowingly allow a person under 21 to drink at your home, and he becomes very ill or dies from alcohol poisoning or other injuries.
- ▶ You could be civilly liable if you give permission for your underage child to drink in someone else's home and he injures or kills a third party.
- ▶ You could be civilly liable if your child has a few friends over when you are not at home, it develops into a drinking party, and a party-goer injures himself when fleeing after the police arrive.
- ▶ Even if you win a criminal or civil lawsuit, it is an expensive process. Lawsuits can take years to conclude. They put a tremendous amount of strain on you and your family.

Important Facts

- ◆ Four out of ten youths who start drinking before the age of 13 will develop alcohol abuse or alcohol dependence at some point in their lives. (*Grant & Dawson, 1997*)
- ◆ Four out of ten middle and high school students (ages 12-17) who drank alcohol in the past year had a serious problem related to drinking. (*www.health.org/govpubs/RPO990*) Incidents of sexual assault, date rape, motor vehicle accidents, drowning, and suicide can occur more commonly among these youths.
- ◆ 45% of 7th and 8th graders in Massachusetts said that it was easy to obtain alcohol. 78% of high school students reported that alcohol was easy to obtain. (*Massachusetts Youth Alcohol Prevention Task Force, May 2002*)
- ◆ Parents often don't know that four out of five teens have the opportunity to drink alcohol; only three out of five parents believe children have access to alcohol. (*www.libertymutual.com/personal/teen/2001_executive_summary.html*)
- ◆ On a typical weekend in the United States, an average of one teenager per hour dies in a car crash. More than 45% of these crashes involve alcohol. (*MADD, 2002*)
- ◆ If drinking is delayed until age 21, a child's risk of serious alcohol problems is decreased by 70%. (*Grant & Dawson, 1997*)

Resources

If you're worried about yourself, a friend or family member who may be abusing alcohol or other drugs, please call for information and treatment options:

**Massachusetts Substance Abuse
Information and Education Helpline**
(800) 327-5050
www.helpline-online.com

For more information on the prevention of alcohol and other drug use, go to:

**Massachusetts Department
of Public Health**
www.state.ma.us/dph/bsas



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Don't Give Kids Alcohol.



**One bad decision
about alcohol
can change a life,
or many lives,
forever.**

**IT'S NOT
WORTH IT.**

Don't give kids alcohol.

You will have to answer to yourself.

You will have to answer to parents.

You will have to answer to the courts.

You will have to answer with your wallet.

Don't give kids alcohol.

It's not worth it.

As your children grow, you can affect their decisions if you have clear rules about not drinking alcohol.



Alcohol can harm their health and can cause significant financial, legal, and emotional costs to you and your children.

Alcohol causes immediate and long-term damage to the brain. Adolescents suffer the same negative effects as adults, even when they drink only half as much. (American Medical Association, 2003)

What will it COST you?

Can I be sued if my child or a teenage guest at my home drinks alcohol and harms another person?

Yes. Under the principle of social host liability, you can be held financially responsible if your guest harms or kills another person after having consumed alcohol at your home.

Why should I be liable for the criminal or negligent acts of my guests? If my guest kills or injures someone in a drunk driving accident after drinking in my home, why should that be my problem?

If your guest was under age 21 and you allowed him to consume alcohol, you committed a crime. Violation of a criminal statute is powerful evidence that you were negligent. There is no good reason to allow anyone under 21 to drink alcohol. If your guest was an adult who was visibly impaired, you were negligent if you permitted him to drink alcohol at your home. There is no good reason to serve any impaired guest more alcohol.

One of my underage twins is in college and the other is in the military. What's wrong with serving alcohol to them and their

Social host: An adult or juvenile who is in control of premises and who serves alcohol or allows it to be consumed on those premises.

Social host liability: You can be held financially responsible if your child or guest injures or kills another person after you permit your child or guest to drink alcohol in your home or other property you control.

Underage: The legal drinking age in Massachusetts and every other state is 21. Someone under 21 cannot legally drink alcohol.

friends in the safety of our home if their friends' parents give permission?

The legal drinking age in Massachusetts is 21. It is against the law for you to serve alcohol to underage guests or to allow them to consume alcohol in your home. You could also be civilly liable for their acts if they injure or kill someone else after drinking at your home. Parents who gave permission for their underage child to drink alcohol could also be civilly liable.

I do not keep alcohol in my home and my child does not drink. If I allow her to have a party when I'm not home and she allows friends to bring alcohol and drink it, might she or I be liable for injuries her friends cause to another person?

Your child may be charged criminally for allowing minors to drink alcohol at your home. If you do not give permission to your child to allow drinking at your home, you might not be civilly liable. Even if you claim that you did not know your child's guests would be drinking, it may still be up to a jury to decide whether you are civilly liable.

Will my insurance policy cover a judgment against me as a social host?

Liable: Criminally responsible (meaning that you might be ordered to pay a fine or serve a prison term) or civilly responsible (meaning that you might be ordered to pay for injuries to or for the death of another, and other related costs).

Negligence: Failure to do what is required; carelessness; inattention. You are negligent if you permit an impaired and/or underage guest(s) to drink alcohol at your home. The civil law holds you liable because the likelihood of your impaired or underage guest(s) injuring or killing a third person is so great.

It might, but your coverage will most likely not be enough to pay the judgment. If you are also charged criminally, then it is possible that your policy will not cover the civil judgment.

If my guest caused the injury and we both get sued, why should I have to pay?

Under the principle of joint and several liability, if two or more parties are civilly liable, then any one of them may be required to pay the entire amount of the judgment. If an underage guest who drinks alcohol at your home injures or kills someone, you and that guest could be sued and found liable. You could be forced to pay the entire judgment if the underage guest cannot afford to pay. Recent judgments in these cases have been over \$1,000,000.

If someone gets a judgment against me as a social host and I later declare bankruptcy, will I have to pay it?

A drunk driver who is ordered to pay a civil judgment cannot avoid paying by declaring bankruptcy. It is possible a social host can avoid paying a civil judgment if he is bankrupt, but there is a growing trend to prevent this from happening.

Stop.
Think.
DON'T DO IT.

It can cost more
than you think.

IT'S NOT WORTH IT.